

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
CHARLESTON DIVISION

NELSON L. BRUCE,	)	
	)	
Plaintiff,	)	
	)	
v.	)	
	)	
PENTAGON FEDERAL CREDIT UNION	)	
a/k/a PENTAGON FEDERAL CREDIT	)	
UNION FOUNDATION, EXPERIAN	)	CASE NO.: 2:22-cv-02211-BHH-MGB
INFORMATION SOLUTIONS, INC.,	)	
TRANS UNION, LLC, EQUIFAX	)	
INFORMATION SERVICES, LLC,	)	
LEXISNEXIS RISK SOLUTIONS, INC., and	)	
UNKNOWN DOES 1-100,	)	
	)	
Defendants.	)	

**DEFENDANT TRANS UNION LLC’S REPLY IN SUPPORT OF  
ITS MOTION TO COMPEL PLAINTIFF’S DISCOVERY RESPONSES**

COMES NOW, Defendant Trans Union LLC (“Trans Union”) pursuant to Local Civ. Rule 7.06 and 7.07 (D.S.C.) and files this Reply in Support of Trans Union’s Motion to Compel *pro se* Plaintiff Nelson L. Bruce’s (“Plaintiff”) Discovery Responses.

**I. INTRODUCTION**

1. Trans Union filed its Motion to Compel Plaintiff to provide supplemental responses to a single Interrogatory and a single Request for Production, seeking historical information regarding his income. This information is necessary because Plaintiff is claiming substantial damages, including loss of credit, denial of credit applications, and higher interest rates on loans and credit cards. To adequately prepare its defense, Trans Union must evaluate Plaintiff’s “credit worthiness” at the time of the relevant credit applications, including Plaintiff’s income information.

2. In his Response in Opposition to Trans Union’s Motion to Compel (the “Opposition”) argues that Trans Union should not be granted any additional discovery –

specifically income and tax information – on the grounds that it would be an invasion of privacy and is irrelevant to the case. However, Plaintiff's Opposition reflects a fundamental misunderstanding of basic legal principles such as damages and relevancy as well as his rejection of the discovery requirements of the Federal Rules of Civil Procedure.

3. Accordingly, Trans Union respectfully requests that this Court order Plaintiff to provide supplemental responses to Trans Union's First Set of Interrogatories No. 13 and First Request for Production No. 38 ("Discovery Requests") and to produce all documents responsive to Trans Union's First Request for Production, within seven days of the Court's Order.

## **II. ARGUMENTS AND AUTHORITIES**

4. Plaintiff contends that Trans Union should not be granted additional discovery—specifically income and tax information—arguing it would invade his privacy and is irrelevant to the claims and defenses in this case. This contention is incorrect.

5. Plaintiff's argument that his income details are irrelevant to his damages claims lack merit and contradicts his own assertions. Notably, Plaintiff acknowledges that he seeks actual damages due to receiving "higher interest rates from lenders such as Capital One." Plaintiff's Opposition then misinforms the court by claiming that Capital One's credit decision, which allegedly resulted in a higher interest rate, did not take his income into consideration. Plaintiff provides no admissible evidence to support this claim, which, if true, would contradict Capital One's legal obligations to assess Plaintiff's ability to repay the debt, including consideration of his income.

6. Plaintiff also appears to misunderstand the definition of actual damages, as evidenced by the heading in Paragraph E, "Inaccurate Reporting of Balances Constitutes Actual Damages." To support his conclusion, Plaintiff cites *Younger v. Experian Info. Sols., Inc.*, No. 2:15-cv-00952, 2019 WL 1296256, at \*13, claiming that "Courts and the Jury have consistently

recognized that the inaccurate reporting of account information can constitute actual damages under the FCRA. In reality, neither the un-published *Younger* opinion cited, nor the decision by the higher court in that case supports Plaintiff's position, much less does it collect cases with similar rulings to justify his assertion that "Courts and Juries have consistently recognized" his desired interpretation. *See Younger*, 817 F. App'x 862, 869 (11th Cir. 2020)

7. Lastly, Trans Union has not acted in bad faith by seeking discovery related to Plaintiff's historical income information. Under Local Rule 7.02, Trans Union's counsel was not obligated to meet and confer with Plaintiff before filing its Motion to Compel since Plaintiff is proceeding pro se. Nevertheless, Trans Union voluntarily attempted to resolve this dispute by requesting that the provide the requested Plaintiff's income information through an interrogatory response. However, when it became clear that Plaintiff would not provide this information, Trans Union sought an order compelling Plaintiff to execute a Tax Authorization form, enabling Trans Union to obtain Plaintiff's tax and income information directly from the IRS.

8. As detailed herein, Plaintiff has failed to adequately address the arguments raised in Trans Union's Motion to Compel. Therefore, the Court should view Plaintiff's Opposition as further grounds to grant Trans Union's Motion.

### **III. CONCLUSION**

For the foregoing reasons, Defendant Trans Union LLC respectfully requests that this Court issue an Order (i) overruling Plaintiff's objections to Interrogatory No. 13 and Request for Production No. 38; (ii) compelling Plaintiff to provide supplemental responses to Trans Union's Discovery Requests within seven (7) days of the Court's Order; (iii) compelling Plaintiff to serve on Trans Union's counsel, within seven (7) days of the Court's Order, a copy of all documents responsive to Request for Production No. 38; (iv) finding that Trans Union is entitled to an award against Plaintiff for its reasonable expenses, including attorney's fees, incurred in connection with

this Motion; and (v) awarding Trans Union any other and further relief to which it may be justly entitled.

Respectfully Submitted,

s/ Wilbur E. Johnson

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**CERTIFICATE OF SERVICE**

I hereby certify that on the 27<sup>th</sup> day of August 2024, I have electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will then send a notification of such filing (NEF) to counsel of record registered to use the CM/ECF system in this action, as follows:

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I further certify that I forwarded a copy of the foregoing by U.S. First Class Mail to the following non-CM/ECF participants:

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